

Appl. No. 09/852,031

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Upon entry of this Amendment, claims 1, 10, 12-14, 21-29, 39, and 40 are pending. In this Reply, Applicants have amended independent claim 1 and have cancelled dependent claim 84 without prejudice or disclaimer.

Prior Art Rejections1. **Masaaki**

Claims 1, 10, 12, 14, 28, and 84 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 9-138349 to *Masaaki* (hereinafter "*Masaaki*"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

In maintaining the rejection of the above-listed claims, including independent claim 1, as allegedly being anticipated by *Masaaki*, the Examiner states on page 3 of the Office Action that:

Applicant's recitation of the functions of the refractive and reflective elements in the claims is treated as functional language and is therefore not given patentable weight (see MPEP section 2114).

In this Reply, Applicants have amended independent claim 1 to further specify features of the projecting optical arrangement for the image display device of claim 1. More specifically, as amended, claim 1 recites an image display device comprising: an optical imaging arrangement for providing image information to illumination light and for transmitting the light as an optical image signal; a display for receiving the optical image signal and for displaying an image based on the image information; and a projecting optical arrangement including a reflecting part for reflecting the optical image signal, the reflecting part having a surface shaped to cause a pincushion distortion of light incident thereon, and

C

Appl. No. 09/852,031

a refracting optical part for projecting the optical image signal onto the reflecting part, the refracting optical part having a surface shaped to cause a barrel distortion of light incident thereon, so as to pre-correct for the pincushion distortion of the reflecting part; wherein the display receives the optical image signal through the projecting optical arrangement. Thus, as amended, the reflecting part of the projecting optical arrangement has a surface shaped to cause a pincushion distortion of light incident thereon and the refracting optical part of the projecting optical arrangement has a surface shaped to cause a barrel distortion of light incident thereon, so as to pre-correct for the pincushion distortion of the reflecting part.

At least in view of this feature, Applicants respectfully submit that the independent claim distinguishes from *Masaaki*.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, *Masaaki*, fails to teach or suggest each and every feature as set forth in the claimed invention.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102(b) based on *Masaaki*.

C

Appl. No. 09/852,031

2. Sato

Claims 13, 21, 27, 29, 39, and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,716,118 to *Sato et al.* This rejection is respectfully traversed.

As set forth on pages 2-3 of the Office Action, the Examiner relies on *Sato* as allegedly teaching incremental features of certain dependent claims. Applicants again note, however, that this grounds of rejection fails to address features of independent claim 1, from which each of the rejected claims indirectly or directly depends. Accordingly, Applicants respectfully submit that the rejection of these claims under 35 U.S.C. § 102(b) is improper and request that the rejection and the finality of the October 16, 2002 Office Action be withdrawn. Furthermore, Applicants submit that *Sato* fails to make up for the deficiencies of *Masaaki* discussed above with regard to claim 1.

Consequently, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102(b) based on *Sato*.

Request for Entry of Amendments/Personal Interview

Applicants respectfully request that the Examiner enter the amendments presented herein. The amendments to claim 1 have been provided to further define features of the image display device of claim 1 in reply to the Examiner's reasoning for maintaining the rejections under 35 U.S.C. § 102. Furthermore, as stated above, Applicants respectfully request that the finality of the October 16, 2002 Office Action be withdrawn in view of the improper rejection based on *Sato*. If the Examiner disagrees, and believes that the application is not in condition for allowance, Applicants respectfully request that the

C

Appl. No. 09/852,031

Examiner contact the undersigned to schedule a personal interview to expedite prosecution of this application.


CONCLUSION

Should there be any outstanding matters which need to be resolved in the present application, we respectfully request the Examiner to contact the undersigned at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 

D. Richard Anderson, #40,439

DRA/jdm
1163-0339P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Version With Markings to Show Changes Made

C

Appl. No. 09/852,031

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

Claim 84 has been cancelled without prejudice or disclaimer to the subject matter recited therein.

The claims have been amended as follows:

1. (Twice Amended) An image display device comprising:

an optical imaging arrangement for providing image information to illumination light and for transmitting said light as an optical image signal;

a display for receiving said optical image signal and for displaying an image based on said image information; and

a projecting optical arrangement including a reflecting part for reflecting said optical image signal, said reflecting part having a surface shaped to cause a pincushion distortion of light incident thereon, and a refracting optical part [for correcting for an aberration of said reflecting part and] for projecting said optical image signal onto said reflecting part, said refracting optical part having a surface shaped to cause a barrel distortion of light incident thereon, so as to pre-correct for said pincushion distortion of said reflecting part;

wherein said display receives said optical image signal through said projecting optical arrangement.